

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL ACTION NO. 2:15-CR-00431-1
	§	
ABEL MARTINEZ	§	

OPINION AND ORDER GRANTING MOTIONS FOR CONTINUANCE

On July 30 and 31, 2015, Defendant filed motions for continuance of the final pretrial conference and jury selection and trial because the United States indicated it would be filing a new and/or superseding indictment bringing new charges against the Defendant. Counsel requested time to review new charges before and the discovery provided with any new charges in order to make an informed decision about whether or not to recommend that his client go to trial or plead guilty. The United States was unopposed to the motion. Defendant requested a continuance until the next docket call.


Under the Speedy Trial Act, a district court may grant a continuance and exclude the resulting delay from the time in which a trial must commence if it makes on-the-record findings that the ends of justice served by granting the continuance outweigh the public's and defendant's interests in a speedy trial. 18 U.S.C. § 3161(h)(7).

Having considered the Defendant's motion, the Court finds that the failure to grant a continuance in this case would deny counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

Accordingly, the Court finds that the ends of justice are served by granting a continuance in this case and outweigh the best interests of the public and Defendant in a speedy trial.

The Court **GRANTS** the Defendant's motions and **CONTINUES** the final pretrial conference until August 31, 2015, at 10:00 a.m. and jury selection to **September 1, 2015, at 9:00** a.m. Both settings are before Hon. Hayden W. Head, Senior United States District Judge.

ORDERED this 4th day of August, 2015.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE